

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JACK REESE, et. al.,

Plaintiff(s),

CASE NO.:2:04-CV-70592-DT

vs.

HON. PATRICK J. DUGGAN  
MAG. JUDGE WALLACE CAPEL

CNH GLOBAL, N.V., et. al.,

Defendant(s).

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**ORDER GRANTING IN-PART AND DENYING IN-PART  
DEFENDANTS' EMERGENCY MOTION TO VACATE ORDER  
AND OBJECTIONS TO PLAINTIFFS' RULE 30 (B)(6) TOPICS**

This matter is before the Court on the Defendants' "(1) Emergency Motion To Vacate Order Granting In Part Plaintiffs' Motion To Compel And (2) Objections To Plaintiffs' Rule 30(B)(6) Topics," filed on June 16, 2006.

Having reviewed and considered the present motion, the Court will construe this as a motion for reconsideration under Local Rule 7.1(g), Eastern District of Michigan. The Court is inclined to **GRANT IN-PART AND DENY IN-PART** the Defendants' request for reconsideration of the Order entered on June 2, 2006, in this matter. In their motion, the Defendants contend that the order entered on June 2, 2006, should be modified because it does not accurately reflect the ruling of the Court because the Order did not reflect appropriate limitations of the scope of Plaintiffs' Rule 30(b)(6) deposition of Defendant. With respect to that aspect of the Order, the Court shall grant Defendants' motion. The motion shall be limited in scope as to the legal relationship between the Plaintiff and the Defendants CNH America LLC and CNH Global N.V. Therefore, the Order is hereby modified to the extent that Defendant CHN Global N.V. (CNH Global) shall produce a Rule 30(B)(6) witness to testify about the business relationship between CNH Global and CNH America

LLC. The motion is **DENIED** as to the remainder of the relief sought by Defendant in their motion with respect to the Order entered June 2, 2006.

The Defendants' objections to the Plaintiffs' Rule 30(B)(6) topics shall also be **DENIED**, as the Defendant is raising issues which were covered at the time of the motion hearing.

A motion for reconsideration will not be granted if the motion "merely present[s] the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case." E.D. Mich. LR 7.1(g)(3). In the instant matter before the Court, the Defendant has not demonstrated any palpable defect by which the Court and the parties were misled, nor has he raised any new issues which would convince the Court to reverse its Order.

**IT IS SO ORDERED.**

The parties are hereby informed that any objection to this order must be filed with the district court within 10 days after service thereof, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

**DATED: June 20, 2006**

**s/ Wallace Capel, Jr.**  
**WALLACE CAPEL, JR.**  
**UNITED STATES MAGISTRATE JUDGE**

**CERTIFICATION OF SERVICE**

I hereby certify that on June 20, 2006 , I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Norman C. Ankers, Bobby R. Burchfield, Douglas G. Edelschick, William J. Kargas, III, Roger J. McClow, Samuel C. McKnight, Michael B. Nicholson , and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Jason A. Levine, McDermott, Will, 600 13<sup>th</sup>. St., N.W., Washington, D.C. 20005 .

s/ James P. Peltier

James P. Peltier

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